

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RNC CONSOLIDATED CASES (RJS) (JCF)¹

**STIPULATION AND ORDER OF
VOLUNTARY DISMISSAL**

WHEREAS plaintiffs in the above-referenced cases moved between August 27, 2007 and August 31, 2007 to add Deputy Commissioner David Cohen as a defendant and assert claims against him alleging that certain of their constitutional rights were violated; and

WHEREAS defendants opposed the addition of Deputy Commissioner David Cohen as a defendant and any addition of claims against him before Magistrate Judge James C. Francis IV and before District Judge Richard J. Sullivan; and

WHEREAS the addition of Deputy Commissioner David Cohen and claims against him were allowed to proceed by orders of Magistrate Judge James C. Francis IV and District Judge Richard J. Sullivan; and

WHEREAS defendants filed an appeal on June 2, 2009 to the Second Circuit Court of Appeals seeking reversal of the orders permitting the addition of Deputy Commissioner David Cohen and plaintiffs' claims against him;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED THAT, pursuant to Fed. R. Civ. P. 41, Deputy Commissioner David Cohen is dismissed as a defendant and all claims that were or could have been asserted on behalf of any

¹ See Appendix A for complete list of cases wherein Commissioner David Cohen is named as a defendant.

and all plaintiffs against Deputy Commissioner David Cohen in the above-referenced cases are hereby dismissed with prejudice.

Dated: New York, New York
July 8, 2009



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SO ORDERED

J. Mino *U.S.D.J.*
7/22/09

APPENDIX A

RNC Cases Where Commissioner Cohen is A Named Defendant

1. MacNamara, et al. v. City of New York, et al., 04 CV 9216 (RJS)(JCF).
2. Bunin, et al. v. City of New York, et al., 05 CV 1562 (RJS)(JCF).
3. Kalra, et al. v. City of New York, et al., 05 CV 1563 (RJS)(JCF).
4. Ryan, et al. v. City of New York, et al., 05 CV 1564 (RJS)(JCF).
5. Garbini, et al. v. City of New York, et al., 05 CV 1565 (RJS)(JCF).
6. Greenwald, et al. v. City of New York, et al., 05 CV 1566 (RJS)(JCF).
7. Pickett, et al. v. City of New York, et al., 05 CV 1567 (RJS)(JCF).
8. Tremayne, et al. v. City of New York, et al., 05 CV 1568 (RJS)(JCF).
9. Biddle, et al. v. City of New York, et al., 05 CV 1570 (RJS)(JCF).
10. Moran, et al. v. City of New York, et al., 05 CV 1571 (RJS)(JCF).
11. Botbol, et al. v. City of New York, et al., 05 CV 1572 (RJS)(JCF).
12. Croaty, et al. v. City of New York, et al., 05 CV 7577 (RJS)(JCF).
13. Stark, et al. v. City of New York, et al., 05 CV 7579 (RJS)(JCF).
14. Lalier, et al. v. City of New York, et al., 05 CV 7580 (RJS)(JCF).
15. Grosso v. City of New York, et al., 05 CV 5080 (RJS)(JCF).
16. Phillips, et al. v. City of New York, et al., 05 CV 7624 (RJS)(JCF).
17. Coburn, et al. v. City of New York, et al., 05 CV 7623 (RJS)(JCF).
18. Drescher v. City of New York, et al., 05 CV 7341 (RJS)(JCF).
19. Bentides, et al. v. City of New York, et al., 05 CV 7670 (RJS)(JCF).
20. Xu, et al. v. City of New York, et al., 05 CV 7672 (RJS)(JCF).
21. Sham, et al. v. City of New York, et al., 05 CV 7668 (RJS)(JCF).
22. Quitzter v. City of New York, et al., 05 CV 7669 (RJS)(JCF).
23. Sikelianos v. City of New York, et al., 05 CV 7673 (RJS)(JCF).
24. Abdell, et al. v. City of New York, et al., 05 CV 8453 (RJS)(JCF).
25. Adams, et al. v. City of New York, et al., 05 CV 9484 (RJS)(JCF).
26. Arnedo, et al. v. City of New York, et al., 05 CV 9738 (RJS)(JCF).
27. Eastwood, et al. v. City of New York, et al., 05 CV 9483 (RJS)(JCF).